1795

SUPREME COURT OF THE UNITED STATES.

No. 214.

THE UNITED STATES, APP'TS,

vs.

JOAQUIN CARRILLO AND JOSÉ MARIA COVARRUBIAS.

APPEAL FROM THE DISTRICT COURT OF THE UNITED STATES FOR THE SOUTHERN DISTRICT OF CALIFORNIA.

"Jonata."

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Be it remembered that on this twenty-ninth day of January, anno Domini one thousand eight hundred and fifty-three, before the commissioners to ascertain and settle the private land claims in the State of California, sitting as a board in the city of San Francisco, in the State aforesaid, in the United States of America, the following proceedings were had, to wit:

The petition of Joaquin Carrillo *et al.*, for the place named Jonatá, was presented, and ordered to be filed and docketed with No. 534, and is as follows, to wit:

(*Vide* page 3 of this transcript.)

Upon which petition the following subsequent proceedings were had, in their chronological order, to wit:

SAN FRANCISCO, *January* 29, 1853.

In case No. 534, Joaquin Carrillo *et al.*, for the place named "Jonata," the deposition of Wm. E. P. Hartnell, a witness in behalf of the claimants, taken before Commissioner Harry J. Thornton, with documents marked A & C, annexed thereto, was filed.

(*Vide* page 5 of this transcript.)

SAN FRANCISCO, *February* 12, 1853.

In the same case the deposition of Pablo de la Guerra, a witness in behalf of the claimant, taken before Commissioner Harry J. Thornton, was filed.

3 (*Vide* page 6 of this transcript.)

SAN FRANCISCO, *Sep't* 28, 1853.

Case No. 534 called. Submitted on briefs on both sides, and taken under advisement by the board.

SAN FRANCISCO, *January* 31, 1854.

In the same case Commissioner Alpheus Felch delivered the opinion of the board, confirming the claim.

(*Vide* page 36 of this transcript.)

SAN FRANCISCO, *January* 11*th.* 1854.

In case No. 534, Joaquin Carrillo *et al.*, for the place named "Jonata," the deposition of José Antonio de la Guerra y Carrillo, a witness in behalf of the claimants, taken before Com'r R. Aug. Thompson, was filed.

(*Vide* page 7 of this transcript.)

4 *Petition.*

To the honorable commissioners to settle private land claims in California:

The petitioners, Joaquin Carrillo and José Maria Covarrubias, respectfully represent: That on the 24th day of September, A. D. 1854, Pio Pico, governor of California, by virtue of authority in him vested, granted to these petitioners the tract of land called San Carlos de Jonata, situate in the present county of Santa Barbara, containing six square leagues, more or less, as described in the title-papers and represented in the accompanying map, and which grant was duly approved on the 1st day of October, 1845, all of which is shown in the original espediente submitted herewith and marked "A," with a translation, marked "B." They also submit herewith the original title map and approval, marked "C," with a translation, marked "D." They also represent that they received juridical possession of said tract of land in due form, and have occupied it for more than seven years. That they know of no conflicting claims. That they rely for confirmation of title upon the original papers submitted herewith; upon the minutes and records in the archives of the former government, now in charge of the surveyor general; and upon such other and further proofs as they may be advised are necessary.

Wherefore they pray the commissioners to confirm to them the aforesaid tract of land.

By their att'ys,

HALLECK, PEACHY & BILLINGS.

Filed in office Jan'y 29th, 1853.

5 GEO. FISHER, *Sec'y.*

6 *Deposition of W. E. P. Hartnell.*

SAN FRANCISCO, *Jan'y 29th*, 1853.

On this day, before Com'r Harry J. Thornton, came Wm. E. P. Hartnell, a witness produced in behalf of the claimants, Joaquin Carrillo *et al.*, petition No. 534, and was duly sworn, his evidence being given in English.

In answer to questions propounded by counsel for claimants, the witness testified as follows:

My name is W. E. P. Hartnell; my age is 55 years; and I have lived in California 30 years. I am acquainted with the signatures of Pio Pico, Joaquin Carrillo, José Maria Covarrubias, Andres Pico, Juan Manso, José Joaquin Jimeno, Nicholas A. Den, Agustin Olvera. Their signatures to the paper before me, marked "A" and "C," and filed herewith, are genuine.

W. E. P. HARTNELL.

U. S. law agent present.

Sworn to and subscribed before me this 29th day of Jan'y, 1853.

HARRY J. THORNTON, *Com'r*, &c.

Filed in office Jan'y 29th, 1853.

GEO. FISHER, *Secretary.*

7 *Deposition of Pablo de la Guerra.*

SAN FRANCISCO, *Feb'y 12th*, 1853.

On this day, before Com'r H. J. Thornton, came Pablo de la Guerra, a witness in behalf of the claimants, Joaquin Carrillo *et al.*, petition No. 534, and was duly sworn, his evidence being given in English.

The U. S. associate law agent was present.

In answer to questions propounded by claimants' counsel, the witness testified as follows:

My name is Pablo de la Guerra; my age is 33 years; I reside in Santa Barbara, and was born in California. I know the rancho called "Jonata," claimed by Joaquin Carrillo and José Maria Covarrubias; it is in Santa Barbara county; it has been occupied by the claimants. Carrillo and Covarrubias, since 1845. They have had a house and a considerable number of cattle and horses on the land.

PABLO DE LA GUERRA.

U. S. law agent present.

Sworn to and subscribed before me this 12th of February, 1853.

HARRY J. THORNTON, *Com'r.*

Filed in office Feb'y 12th, 1853.

GEO. FISHER, *Sec'y.*

8 *Deposition of José Antonio de la Guerra y Carrillo, cas*

UNITED STATES LAND COMMISSION,
San Francisco, Jan'y 11, 1854.

On this day, before R. Aug. Thompson, commissioner, came José Antonio de la Guerra y Carrillo, witness in behalf of the claimants, Joaquin Carrillo *et al.*, case No. 534, who, after being duly sworn, deposed as follows, his evidence being interpreted by the secretary.

Present: Claimants' att'y, and U. S. law agent.

Witness states his name as José Antonio de la Guerra y Carrillo; his age, forty-eight years; and his residence, the county of Santa Barbara.

Questions by claimants' attorney.

Do you know the rancho of Jonata; if so, where is it situated?

Answer. I know said rancho; it is situated in the county of Santa Barbara, and adjoining rancho of Los Alamos on the south.

Question by same. Were you ever present when juridical possession of said rancho of Jonata was given? If so, state what you know about it.

Answer. I was when such possession was given by Don Nicolas Den, about the month of September, in 1845, to Don Joaquin Carrillo and José Maria Covarrubia. I was only present during the running of the line between my rancho and that of Jonata.

9 JOSÉ ANTONIO DE LA GUERRA Y CARRILLO.

Sworn to and subscribed before me Jan'y 11, 1854.

R. AUG. THOMPSON, *Com'r.*

Filed in office Jan'y 11, 1854.

GEO. FISHER, *Secretary.*

10 1845. Espediente promovido por las ciudadanos Joaquin Carrillo y José Ma. Covarrubias en pretencion del terreno de "Sn. Carlos de Jonata."

10

12 ANGELES, *Junio* 20 *de* 1845.

Informe la comision de misiones sircunstancia dam'te sobre el contenido en esta instancia y vuelva al gobierno para resolver la q. convenga.

PICO.

EXC'MO S'R GOBERNADOR :—Joaq'n Carrillo y José Ma. Covarrubias, ante la justificacion de V. 2 pareser y dieren, ql. necesitando de en terreno para fomentar y aumentar nuestros vienes de campo emos endagado ql. el conocido con el nombre de San Carlos de Jonata, inmediato a Sta. Ynes se halla valdio, y de conseguiente la estado de darse por el gob'no la colonisacion; q. por lo qe hemos manifestando. Suplicamos á V. E. se digne considernos la propiedad de d'ho terreno, de conformidad con el deseño y acompanaños y bajo el su puesto ql indemnizaremos a la Mision de Sta. Ynez la utilidad ql con el tiempo pudiera dar el terreno ql pretendimos con dos cientos Reses ql. entregaremos a su valor en cueros y sebos. Si V. E. lo estemarse por justo. Por tanto a V. E. pedimos se sirve prober como solisitamos en lo ql. recibiseomos justicia. Juramos no proseder con malicia y lo necesario &a., y suplicamos se nos admita en este papel por falta del sellado q. corresponde.

Sta. Barbara, Junio 16 de 1845.

JOSÉ MA. CAVARRUBIAS.
JOAQ'N CARRILLO.

13 EX'MO SEÑOR.—La comision de misiones al cumplir con el superior decreto de V. E. del 20 de Junio ultimo tiene el honor de hace presente a V. E. que el terreno de Jonata que los interesados solicitare, no es a la presente de utilidad al establecimiento de esta mision en virtud de que ya na posee mas que un numero muy corto de ganado mayor; que la aferta de dos cientos reses, o su equivalente en esquilimos que hacen los que representan en nuestro sentir indemnizan suficientemente el valor del terreno y que nos parese se les puede conceder por V. E. a los suplicantes la propiedad que de el pretenden.

Sta. Ynez, Julio 26 de 1845.

[SEAL.] ANDRES PICO.
[SEAL.] JUAN MANZO.

ANGELES. *Setiembre* 24 *de* 1845.

Vista la solicitud con que da principo este, espediente, el informe de la comision de misiones, los paresores del R. P. ministro de la Mision de Santa Barbara con todo lo dema que se tuvo presente y ver

convino; de conformidad con la ley de 24 de Agosto de 1824, y reglam'to de 21 de N'bre de 1828, declaro a los Señores D'n Joaquin Carrillo y D'n José Ma. Covarrubias duenos del terreno nombrado San Carlos de Jonato, segun esta demostrado en el deseño que, obra en este espediente, y bajo las condiciones siguientes.

14 1a. Entragaron al establecim'to de Sta. Ynes cincuenta vaquillas, cinquenta toretes, cincuenta vacas, y cincuenta nobillos ò pagaran a los acreedores a d'ho establecimiento la cantidad de seis cientos veinte cinco pesos, cuya entregada ó pago haran constar con los documentos al efecto necesarios.

2a. No molestaran en manera alguna el ganado mayor que actualmente tiene en el terreno que se le concede la mision de Sta. Ines, reservando el derecho a este de mantener en d'ho terreno el espresado ganado y su procreo mientras reunida la presente comunidad. En consecuencia librese a los agrasiados el titulo correspondiente y parese este espediente a la Exma. Assemblea Departamental para su aprovacion, Pio Pico, gobernador interino del Departamente de los Californias asi lo mandó decreté y firmé, de que doy fe.

PICO.

JNE. MR. COVARRUBIAS, *S'rio.*

15 [Here follows map, marked original, page 16.]

17 EXMO. SOR. GOBERNARDOR: Ympuesto de que el S. D. Joaquin Carrillo pretende el paraje de esta mission llamado Jonata digo á V. E. que si lo tiene a bien se la puede conceder con la precisa condicion de que el rancho de ganado mayor que alli existe no sen molestado interino haya en el chanusal.

Sta. Ynes, Junio 13 de 1845.

FR. JOSE JOAQ'N XIMENO.

Nicolas A. Den, alcalde 1o. de Santa Barbara y su demarcacion, &c.:

EXMO. SR. GOBERNADO: En vista del antecedente documento firmado por el R. ministro de la mision de Santa Ynes en el cual dice que se le puede conceder a Don Joaquin Carrillo el parage de Jonata. Digo a V. E. que si lo tiene a bien, puede consederselese al interesado d'ho paraje, bajo las dos condiciones que a sienta el padre en su documento, lo que tengo el honor de desir a V. E. por via de informe.

Santa Barbara, Junio 16 de 1845.

NICOLAS A. DEN.

Fr. José Joaquin Ximeno, Ministro de la Mission de Sant. Ynes:

Certifico que la esta mision existe un documento firmado
18 por el S. D. Joaquin Carrillo en el que consta que d'ho Sor. se obliga a entregar esta mision dos cientos cabesas de ganado vacuño entregrande y chico, en caso que el gobierno le conseda el sitio nombrada Jonata en los terminos convendos entre el repetido Sor. y la mision que es confirme á lo expresado en el informe que aqui se estendio.

Y para que conste la firmo en esta mision á 21 de Junio de 1845.

F. JOSÉ JOAQ'N XIMENO.

ANGELES, *Sbre.* 24 *de* 1845.

Dado cuenta en sesion de hoy con este espediente á la Exma. Asamblea Departmental si mando pasar á la comision de terrenos valdios.

PIO PICO, *Presid'te.*

AGUSTIN OLIVERA, *S'rio.*

EXMO. SOR: La comision de terrenos valdios se ha hecho cargo del espediente promovido por los Señores Dn. Joaquin Carrillo y Dn. José Ma. Covarrubias, en solicitud del terreno conocido con el nombre de San Carlos de Jonata que les ha sido concedido por el superior gobierno de este departamento, en titulo librado con fecha de 24 del presente mes, y satisfecha la comision de que la espresado concesion es conformé a lo que sobre el particular disponer las leyes de
19 la materia, sujeta a la aprobacion de V. E. la siguiente proposicion.

Si aprueba la comision hecha por el superior gobierno de este departamento el 24 del presente mes a favor de los Señores D'n Joaquin Carrillo y D'n José M'a Covarrubias de seis sitos de ganado mayor, poco mas o menos, en el terreno conocido con el nombre de San Carlos de Jonata sujeta a los condiciones que espresa el titulo y de conformidad con la ley dey de 18 de Agosto de 1824, reglamente de 21 de Noviembre de 1828.

Sala de comisiones en la ciudad de Los Angeles á 26 de Setiembre de 1845.

FRAN'CO DE LA GUERRA.
NARCISO BOTELLO.

ANGELES, *Octubre* 10 *de* 1845.

En sesion hoy se aprobó por la E. A. departam'to la proposicion del presidente dictamen mandando se de vuelva el espe'dte original al E. S. gob'or para los fines convenientes.

PIO PICO, *Pres'd'te.*

AGUSTIN OLVERA, *S'rio.*

Pio Pico, vocal mas antiguo de la exma. asamblea, y encargado por el ministerio de la ley del gobierno del departamento de las Californias:

Por cuanto los Señores Don Joaquin Carrillo y Don José Maria Covarrubias, han pretendido para su benificio personal y el de sus familias el terreno conocido con el nombre de San Carlos
20 de Jonata, colindante con el Rio de Sta. Ynes, tierras de D'n Francisco Cota, de D'n José Antonio de la Guerra de la indegenos Antonio y Marcelino y de la mision de Sta. Ynes ; practicados previamente los diligencias y averiguaciones concernientes segun lo dispuesto por leyes y reglamentos, en uso de las facultades que me son conferidas á nombre de la nacion Mejicano he venido por decreto de este dia en concederles el espresado terreno de San Carlos de Jonata declarandoles la propiedad de el por las presentes letras, de en-

tera conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre de 1828, á reserva de la aprobacion de la exma. asamblea departmental y bajo las condiciones siguientes:

1a. Entragaran por via de indemnizacion al establecimiento de Santa Ynes cincuenta vaquillas, cincuenta toretes, cincuenta vacas y cincuenta novillos o pagaran a los acreedores a dicho establecimiento la cantidad de seis ciento veinte cinco pesos. cuya entrega o pago haran constar con los documentos al efecto necesarios.

2a. No molestaron en manera alguna el ganado mayor que actualmente tiene en el terreno que se les concede la mision de Sta. Ynes, reservando á esta el derecho de mantener en dicho terreno el espresado ganado y sus procreos, mientras diere reunida su presente comunidad.

3a. Podran cercarlo sin perjudicar las travesias y caminos ; la disfrutaran libre y esclusivamente destinandolo al uso y cultivo
21 que mas le acomode.

4a. Solicitaron del juez respectivo les de la posecion juridica en virtud de este despacho, por el cual se demarcaran los linderos con los mojoneras necesarias.

5a. El terreno de que se les hace donacion es el que demueston el deseño que obra en el espediente respectivo, y de la estencion de sus sitios de ganado mayor poco mas ómenos. El juez que los posesione lo hara medio con arreglo a ordenanza.

En consecuencia mando que teniendose el presente titulo por firme y valedero, se tome razon de el en el libro á que corresponde y se entregue á los interesados para su resguardo y demas fines.

Dado en la ciudad de Los Angeles, a veinte cuatro de Setiembre de mil ochocientos cuarenta y cinco.

Pero en todo lo que concierna á rodeos y demas trabajos, se sujetara la sepresada mision á los reglas y costumbres establecidos en el pais, y no, podrá bajo ningun pretesto establecer bienes raices de ningun clase en el terreno concedido.

Filed in office Jan'y 20, 1853.

GEO. FISHER, *Sec'y.*

22

23 *Translation of Espediente B.*

ANGELES, *June 20th*, 1845.

Let the committee on the missions report the circumstances relating to the contract of this petition, and let it be returned to the government to decide what may be proper.

(Signed) PICO

To his excellency the governor:

Joaquin Carrillo and José Maria Covarrubias before your excellency's justification appear and say, that being in want of a land to encourage and increase our cattle, we have ascertained that known by the name of San Carlos de Jonata to be vacant, and consequently in a condition to be granted by the government in colonization; and for the reasons we have shown we pray your excellency to have the goodness to grant us the ownership of said land in conformity with the map which we transmit herewith, and with the understanding that we will indemnify the mission of

Santa Ynez for the value which, in time, the land we petition for might acquire, with two hundred head of cattle, which, or their value in hides and tallow, we will give if your excellency should think it just. Wherefore, we pray your excellency to be pleased to provide as we request, in which we will receive justice. We swear that we do not act with evil intent, and whatever else may be necessary; and we pray that this be admitted on this paper, for want of the corresponding stamped.

Santa Barbara, June 16th, 1845.

(Signed) JOAQUIN CARRILLO.
(Signed) JOSE MARIA COVARRUBIAS.

24 MOST EXCELLENT SIR: The committee on missions, in compliance with the superior decree of your excellency of the 20th June last, has the honor to represent to your excellency, that the land of Jonata which those interested ask for is not at present of any use to the establishment of this mission, for the reason that it owns but a very a small number of neat cattle. That the offer of two hundred head of cattle, or its equivalent in produce, made by the petioners, in our opinion, indemnifies sufficiently for the value of the land, and it seems to us that the ownership of it which is sought for may be granted by your excellency to the petitioners.

Santa Ynez, July 26th, 1845.

(Signed) ANDRES PICO.
(") JUAN MANSO.

ANGELES, *September 24th*, 1845.

[SEAL.] Having seen the petition with which this espediente commences, the report of the committee on missions, the opinions of the reverend father, minister of the missions of Santa Ynez, and of the señor 1st alcalde of Santa Barbara, with all other things which were represented and proper to be considered, in conformity with the law of August 18th, 1824, and regulation of November 21st, 1828, I declare the Señores Don Joaquin Carrillo and Don José Maria Covarrubias, owners of the land named San Carlos de Jonata, as
25 shown on the map which exists in the espediente, and under the following conditions:

1st. They shall deliver to the establishment of Santa Ynez 50 heifers, fifty young bulls, fifty cows, and fifty steers, or pay to the creditors of said establishment the sum of six hundred and twenty-five dollars, which delivery or payment they will cause to appear with the documents to the necessary effect.

2d. They will not molest, in any manner, the neat cattle which the mission of Santa Ynez actually has in the land granted, reserving to the latter the right of maintaining on said land the cattle aforesaid, and its increase, while the present comunity may remain united. In consequence, let the corresponding title be issued to the grantees, and let this espediente pass to the most excellent departmental assembly

for its approval. Pio Pico, governor *ad interim* of the department of the Californias, thus ordered, decreed, and signed, to which I certify.

(Signed) PICO.
(Signed) JOSE MARIA COVARRUBIAS,
Secretary.

To his excellency the governor:

Having understood that Don Joaquin Carrillo has asked for the place of this mission called Jonata, I say to your excellency that, if you think proper, it can be granted to him with the necessary condition that the neat cattle which exist there be not molested while there may be such cattle, and that the mission can, whenever it suits it, take the wild cattle which may be found in the thickets.

26 Santa Ynez, June 13th, 1845.

(Signed) FRA JOSE JOAQUIN JIMENO.

Nicolas A. Den, 1st alcalde of Santa Barbara and its demarcations, to his excellency the governor:

In view of the foregoing document, signed by the father minister of the mission of Santa Ynez, to which he says that the place of Jonata can be granted to Don Joaquin Carrillo, I say to your excellency that, if you think proper, there may be granted to the person interested the said place, under the conditions set forth by the padre in his document, which I have the honor to say to your excellency as a report.

Santa Barbara, June 16th, 1845.

(Signed) NICOLAS A. DEN.

Friar José Joaquin Jimeno, minister of the mission of Santa Ynez:

I certify that in this mission there exists a document signed by Don Joaquin Carrillo, by which it appears that said señor binds himself to deliver to this mission two hundred head of cattle, large and small, in case the government grants him the place named Jonato on the terms agreed on between the aforesaid señor and the mission, which is agreeeble to what was expressed in the report which was made out here. And in testimony I sign it in this mission the 21st of June, 1845.

27 (Signed) FRIAR JOSÉ JOAQUIN JIMENO.

AUGUST, *September 24th*, 1845.

In session of this day this espediente was reported to the most excellent departmental assembly, and was ordered to pass to the committee on vacant lands.

(Signed) PIO PICO, *Presid'te.*
(Signed) AGUSTIN OLIVERA.

MOST EXCELLENT SIR: The committee on vacant land has taken charge of the espediente promoted by the Señores Don Joaquin Carrillo and Don José Maria Covarrubias, petitioning for the land known by the name of San Carlos de Jonata, which has been granted by the

superior government of this department, in title issued, with date the 24th of the present month; and the committee, satisfied that the said grant is agreeable to that required by the laws on the matter, presents for the approval of your excellency the following proposition:

Approved the grant made by the superior government of this department on the 24th of the present month, in favor of the Señores Don Joaquin Carrillo and Don José Maria Covarrubias, of six square leagues of land in the place known by the name of San Carlos de Jonata, subject to the conditions expressed in the title and in conformity with the law of August 18th, 1824, and the regulation of November 21st, 1828.

28 Hall of the committee, in the city of Los Angeles, on the 26th of September, 1845.

(Signed) FRANCISCO DE LA GUERRA.
" NARCISSO BOTTELLO.

ANGELES, *October 1st*, 1845.

In session of this day there was approved by the most excellent departmental assembly the proposition of the proceeding report, ordering that the original espediente be returned to his excellency the governor for the proper purposes.

(Signed) PIO PICO, *President.*
(Signed) AGUSTIN OLVERA, *Secretary.*

(For translation of title see Exhibit "D.")

Filed in office Jan'y 29th, 1853.

GEO. FISHER, *Secretary.*

29 *Title map and approval—Exhibit marked C to the depos'n of W. E. P. Hartnell.*

Sello primero ocho pesos.—Habilitado provisionalmente por la aduana maratima del puerto de Monterey, en el departamento de los Californias, para los años de mil ochocientos cuarenta y cuatro y mil ochocientos cuarenta y cinco.

PABLO DE LA GUERRA.
MICHELTORENA.

[SEAL.] Pio Pico, vocal mas antiguo de la exma. asamblea, y encargado por el ministro de la sey del gobierno del departamente de las Californias.

Por cuanto los Señores Don Joaquin Carrillo y Don José Maria Covarrubias, han pretendido para su beneficio personal y el de sus familias, el terreno conocido con el nombre de San Carlos de Jonata colindante con el Rio de Santa Ynes, tierras de Don Francisco cota de Don José Antonio de la Guerra, de los indegenos Antonio y Marcelino, y de la Mission de Santa Ynes; practicadas previamente las dilgencias y averiguaciones concernientes segun lo dispuesto por leyes y

reeglamentos, en uso de las facultades que me son conferidas a nombr de la nacion Mejicana, ha venido por decreto de este dia en concederles el espresado terreno de San Carlos declarandole, la propiedad de el por las presentes letras de entera conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Noviembre 1828, á reserva de la aprobacion la exma. asamblea departmental y bajo lacondiciones siguientes:

1a. Entregaran por via de indemneracion al establecimiente
30 de Santa Ynez cincuenta Vaquillas, cincuenta toreles, cincuenta vacas, y cincuenta novillas o pagaran a los acrudores á dicho establecimento la cautidad de seis cuatos veniticinco pesos, cuya eotrega a pazo haran constar con documiento al efecto necesarios.

2a. No molestaron en manera alguna el ganado mayor que actualmente tiene en el terreno que se le concede, la mision de Santa Ynez, reservando a esta el dereche mantener en dicho terreno el espresado ganado y sus procreos, mientras diere reunida su presente comunidad; pero en todo lo que concurna á rodeos y demas tra bajos, si sujetará o espresado mision a las reglas y costumbres establecidas en el pais, y no podra bajo ningun pretesto establecer bienes raices de ninguna clase en el terreno concedido.

3a. Padran cercarlo sin perjudicar los travesias y caminos; lo disfrutaran libre y esclusivamente destinandolo algusag y cultivo que mas les acomode.

4a. Solicitara del juez respectivo les dé la posecion juridica en virtud de este despacho, por el cual se demarcaran los linderos con so mojoneras necesarias.

5a. El terreno de que se les hace donacion es el que demuestre el deseño que obra en el espediente respectivo, y de la estencion de seis sitios de ganado mayor, poco mas o menos. El juez que los posecione la hara medir con arreglo á ordenanza.

31 En consecuencia mando que teniendose el presente titulo por firme y valedero, se toni razon de el en el libra que corresponde, y se entregue a los interesados para su resguardo y demas fines.

Dado en la ciudad de Los Angeles, a veinteuatro de Setiembre de mil ochocientos cuarenta y cinco.

PIO PICO.
JOSE MA. COVARRUBIAS,
S'rio.

Queda tomado razon de este superior despacho en el libro respectivo. Angeles fecha ut supra.

COVARRUBIAS

El que subscribe secretario del despacho de gobierno del departamento de las Californias.

Certifico que el presente deseño es copia fiel del original que obra en la secretaria de mi cargo y en el espediente promovido por Don

Joaquin Carrillo y Don José Maria Covarrubias en pretension del terreno nombrado San Carlos de Jonata.

Angeles, Setiembre 24 de 1845.

JOSÉ MA. COVARRUBIAS.

V. B. PICO.

32

34 Pio Pico, gobernador interino del departamento de las Californias:

La exma. asamblea de este departamento en sesion hoy, hateindo a bien accordarlo siguiente.

Se apruebe la concesion hecha por el superior gobierno de este departamento el 24 del presente mes a favor de los Señores D'n Joaquin Carrillo y D'n José Ma. Covarrubias de seis sitios de ganado mayor, poco mas o menos, en el terreno conocido con el nombre de San Carlos de Jonata sujeta a las condeciones que espresa el titulo, y de conformidad con la ley de 18 de Agosto de 1824 y reglamento de 21 de Nobiembre de 1828.

Y para resguardo de las partes de D'n Joaquin Carrillo y D'n José Ma. Covarrubias, asi lo hago saber. Dado en la ciudad de Los Angeles, a primero de Octobre de mil ochocientos cuarenta y cinco.

PIO PICO.

JOSÉ MA. COVARRUBIAS.

S'rio.

Exhibit marked C to the deposition of W. E. P. Hartnell, taken in No. 534.

H. J. F.

Filed in office Jan'y 29, 1853.

GEO. FISHER, *Sec.*

35

36 *Translation of title and approval.*

Stamp first—eight dollars.

Provisionally authorised by the maritime custom-house of the port of Monterey, in the department of the Californias, for the years eighteen hundred and forty-four and eighteen hundred and forty-five.

(Signed) MICHELTORENA.

(Signed) PABLO DE LA GUERRA.

{ SEAL OF MONTEREY CUSTOM-HOUSE. }

Pio Pico, señor member of the most excellent assembly, and ex officio charged with the government of the department of the Californias:

Whereas the Señores Don Joaquin Carrillo and Don José Maria Covarrubias have, for their own personal benefit and that of their families, petitioned for the land known by the name of San Carlos de Jonata, bounded by the river of Santa Ynes, lands of Don Francisco

Cota, of Don José Antonio de la Guerra, of the Indians Antonio and Marcelino, and of the mission of Santa Ynes, the proper measures and examinations being previously made, as required by laws and regulations, in use of the powers which are conferred on me in the name of the Mexican nation, I have granted them the aforesaid land of San Carlos de Jonata, declaring to them the ownership of it by these presents, in entire conformity with the law of August 18th, 1824, and the regulation of November 21, 1828, subject to the approval of the most excellent departmental assembly, and under the following conditions:

1st. He will deliver, as an indemnity to the establishment of Santa Ynez, fifty heifers, fifty young bulls, fifty cows, and fifty steers;
37 or they will pay to the creditors of said establishment the sum of six hundred and twenty-five dollars, which delivery or payment they will cause to appear by documents for the necessary purpose.

2d. He shall not molest in any manner the neat cattle which the mission of Santa Ynes has at present in the land granted, reserving to it (the mission) the right of maintaining in said land the aforesaid cattle and its increase while the present community remains united; but in everything concerning rodeos and other labors, the said mission will be subject to the rules and customs established in the country, and cannot, under any pretext, establish real estate of any kind in the land granted.

3d. He will enclose it without prejudice to the crossings, roads, and servitudes, and enjoy it freely and exclusively, dedicating it to the use or cultivation which they may see fit.

4th. They shall request the respective magistrate to give them juridical possession, in virtue of this patent, by whom the boundaries will be marked out with the necessary bounds.

5th. The land of which donation is made is that which is shown on the map which exists in the respective espediente, and is of the extent of six square leagues, a little more or less. The magistrate who may put them in possession will cause it to be measured in conformity with the ordinance.

In consequence, I order that the present title being held as
38 firm and valid, note be made of it in the proper book, and it be delivered to the persons interested, for their security and other purposes.

Given in the city of Los Angeles on the 24th of September, 1845.

(Signed) PIO PICO.

(Signed) JOSE MARIA COVARRUBIAS. *Secretary.*

Note has been made of this superior patent in the proper book.

ANGELES, (date as above.)

(Signed) COVARRUBIAS.

Pio Pico, governor *ad interim* of the department of the Californias:

The most excellent assembly of this department, in session of this day, has thought proper to resolve as follows:

Approved the grant made by the superior government of this de-

partment on the 24th of the present month, in favor of the Señores Don Joaquin Carrillo and Don José Maria Covarrubias, of six square leagues of land, a little more or less, in the land known by the name of San Carlos de Jonata, subject to the conditions expressed in the title, and in conformity with the law of August 18th, 1824, and regulation of November 21st, 1828.

And for the security of the parties, Don Joaquin Carrillo and Don José Maria Covarrubias, I thus make it known.

Given in the city of Los Angeles on the first day of October, eighteen hundred and forty-five.

39 (Signed) PIO PICO.
JOSÉ MARIA COVARRUBIAS, *Secretary.*

Filed in office Jan'y 24th, 1853.

GEO. FISHER, *Secretary.*

40 The law agent on the part of the United States consents that the annexed certified copy of record of grant from the office of the surveyor general be filed as evidence in this case.

ROBERT GREENHOW,
Ass't Law Agent.

Record of title.

303, 294.—En 24 de Setiembre de 1845 se les libro titulo a los Sñs. D'n Joaquin Carrillo y D'n José Ma. Covarrubias del terreno nombrado San Carlos de Jonatá.

OFFICE OF SURVEYOR GENERAL OF THE
UNITED STATES FOR CALIFORNIA.

I, John C. Hayes, surveyor general of the United States for the State of California, and as such having in my office, and in my charge and custody, a portion of the archives of the former Spanish and Mexican territory or department of Upper California, by virtue of the power vested in me by law, do hereby certify that the preceeding and hereunto annexed page of tracing paper, numbered one, exhibits a true and accurate copy of an extract from a half bound book without a title, wherein appears to be noted some grants in the
41 years 1844 and 1845, now on file, and forming a part of the said archives in this office.

In testimony whereof, I have hereunto signed my name officially, and caused my seal of office to be affixed at the city of San
[SEAL.] Francisco, this eighteenth day of November, 1853.

JOHN C. HAYES,
U. S. Surveyor General for California.

Filed in office, Nov. 21, 1853.

GEO. FISHER, *Sec'y.*

Translation of record.

On the 24th of September, 1845, title was issued to Señores Don Joaquin Carrillo and Don José Maria Covarrubias for the lands called San Carlos de Jonata.

Filed in office November 21st, 1853.

GEO. FISHER, *Secretary.*

42 *Statement of case.*

No. 534.

Joaquin Carrillo, J. M. Covarrubias.
San Carlos de Jonatá six square leagues in Santa Barbara county.

Documents filed in the petition :

I. Original espediente marked "A," containing—

1. Containing petition of claimants, dated June 16th, 1845.

2. Marginal decree of Governor Pio Pico, directing the committee on missions to report on the petitions, dated 20th June, 1845.

3. Report of said committee, favorable, on the 26th Feb'y, 1845.

4. Decree for a title, dated 24th September, 1845.

5. A report from Friar José Joaquin Jimeno, favorable to the grant, dated 13th June, 1845.

6. Favorable report from Nicolas A. Den, 1st alcalde of Santa Barbara, dated 16 June, 1845.

7. A certificate from Friar Jimeno, to the effect that there exists in the mission of Santa Ynez an undertaking on the part of Carrillo to deliver to the mission the cattle agreed upon as the price of the land.

8. Approval of grant by departmental assembly, dated October 1st, 1845.

9. Map.

(Paper A is filed with the deposition of W. P. E. Hartnell.)

43 II. Document marked B, translation "A."

III. Document marked C, original title, and final document of title, issued after and reciting approval, dated 1st October, 1845.

IV. Document marked D, translation of paper C.

Evidence :

1. Document A, the original espediente.

2. Document C, original papers, title, and final document of title, issued afterward, reciting approval.

3. Deposition of W. P. E. Hartnell proving genuineness of signatures to papers A and C, annexed to the deposition.

4. Deposition of Pablo de la Guerra, proving that claimants have occupied the land since 1845, and have had a house on it.

5. Copy of record, certified by surveyor general.

6. Translation of record.

Filed in office November 21st, 1853.

GEO. FISHER, *Sec'y.*

44 *Opinion.*

JOAQUIN CARRILLO, JOSE MARIA COVARRUBIAS, }
vs.
THE UNITED STATES. }

For the place called "Jonata," in Santa Barbara county, containing six square leagues of land.

The land claimed by the petitioners was granted to them by Governor Pio Pico on the 24th day of September, 1845, as appears by the original document of title, which is given in evidence, duly authenticated by proof.

A document is also given in evidence, purporting to be the original espediente in the proceedings, to obtain the grant, the signatures to which are proved to be genuine by the deposition of W. E. P. Hartnell. The approval of the departmental assembly is shown to have been obtained on the first day of October, 1845. Proof is also given of the occupancy of the premises by the grantees since 1845, the year of the grant, having a house and a considerable number of cattle and horses on the place. The grant contains a condition that the grantees should pay to the mission of Santa Ynez two hundred head of neat cattle; and the certificate of Friar José Joaquin Jimeno, which is made a part of the espediente, shows that the establishment had received the within obligation of said Carrillo for the same, agreeably with the proposition of the mission.

45 The lands granted is described in the title-papers as bounded by the river of Santa Ynes, lands of Don Francisco Cota, of Don José Antonio de la Guerra, of the Indians Antonio and Marcelino, and of the mission of Santa Ynez.

It is alleged to contain six square leagues of land, a little more or less, and is that which is shown on the map which exists in the respective espediente. The map shows clearly the limits and boundaries of the land, as described in the grant, as that intended to be granted. No sobrante being reserved by the terms of the grant, the entire premises within the boundaries described must pass under it to the grantees. There can be no difficulty in locating the premises.

A decree of confirmation will be entered.

Confirmed.

Filed in office Jan'y 31st, 1854.

GEO. FISHER, *Secretary.*

46 *Decree.*

JOAQUIN CARRILLO, JOSE MARIA COVARRUBIAS, }
vs.
THE UNITED STATES. }

In this case, on hearing the proofs and allegations, it is adjudged by the commission that the said claim of the petitioners is valid, and it is therefore decreed that the same be confirmed.

The land of which confirmation is hereby made is that known by the name of Jonata, situated in Santa Barbara county, and in the occupancy of said petitioners, and bounded as follows, to wit: By the river of Santa Ynez, the lands of Don Francisco Cota, those of José Antonio de la Guerra, of the Indians Antonio and Marcelino, and of the mission of Santa Ynez, according to the map which exists in the respective espediente which is on file in this case, and to which reference is to be had in locating said land, the same containing six square leagues of land, a little more or less.

ALPHEUS FELCH,
THOMPSON CAMPBELL,
R. AUG. THOMPSON.
Com'n.

Filed in office Jan'y 31st, 1854.

GEO. FISHER, *Sec'y.*

47

48 OFFICE OF THE BOARD OF COMMISSIONERS TO ASCERTAIN AND SETTLE THE PRIVATE LAND CLAIMS IN THE STATE OF CALIFORNIA.

I, George Fisher, secretary to the board of commissioners to ascertain and settle the private land claims in the State of California, do hereby certify the foregoing thirty-eight pages, numbered from 1 to 38, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings, and of the decision of the said board, of the documentary evidence and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 534 on the docket of the said board, wherein Joaquin Carrillo *et al.* are the claimants against the United States for the place known by the name of "Jonata."

In testimony whereof, I hereunto set my hand and affix my private seal (not having a seal of office,) at San Francisco, California, this twenty-third day of September, A. D. 1824, and of the independence of the United States of America the seventy-ninth.

[SEAL.]

GEO. FISHER, *Sec'y.*

Filed November 8th, 1854.

C. E. CARR, *Cl'k.*

49 *Notice of appeal.*

OFFICE OF THE ATTORNEY GENERAL OF THE UNITED STATES,
Washington, 17th January, 1855.

JOAQUIN CARRILLO *et al.*
vs.
THE UNITED STATES. } 534.

You will please take notice that in the above case decided by the commissioners to ascertain and settle private land claims in the State of California in favor of the claimant, and a transcript of the pro-

ceedings in which was received in this office on the 13th day of September, 1854, the appeal in the district court of the United States for the southern district of California will be prosecuted by the United States.

C. CUSHING, *Attorney General.*

Filed Feb'y 27th, 1855.

C. E. CARR, *Cl'k.*

50

51 In the district court of the United States for the southern district of California.

CITY AND COUNTY OF LOS ANGELES, *State of California:*

JOAQUIN CARILLO *et al.*, app'lees, *vs.* THE UNITED STATES, app'l's. } Docket No. 156.—Transcript No. 534.

To the Hon. Isaac S. K. Ogier, judge:

The petition of Pacificus Ord, a resident of said city, county, and State, attorney of the United States for the southern district of California, who petitions in this behalf for the United States, and being present here in court, in the name and behalf of the United States represents as follows: That heretofore, to wit, on or about the 29th day of January, A. D. 1853, Joaquin Carrillo and José Maria Covarrubias presented a petition to the commissioners to ascertain and settle the private land claims in the State of California, when sitting as a board, claiming a tract of land called San Carlos de Jonata, situate in the county of Santa Barbara, State of California, which said petition is referred to for a description of the land claimed, a copy of which appears in the transcript hereafter referred to. That thereafter, to wit, on or about the 31st day of January, A. D. 1854, the said commissioners confirmed, by final decision, the said claim of said petitioner. That thereafter, to wit, on or about the 8th day of November, A. D. 1854, a duly certified transcript of the proceedings and decision of the said commissioners in said cause, and the papers and evidence on which the said decision was founded, was filed in the office of the clerk of the district court of the United States for the southern district of California, and marked No. 534; reference to which it is prayed may be had and made a part of this petition. That on or about the 13th day of September, A. D. 1854, the honorable Caleb Cushing, Attorney General of the United States, received a duly certified duplicate of said transcript of the proceedings and decision of said commissioners in said cause, and the papers and evidence on which said decision was founded. That thereafter, to wit, on or about the 27th day of February, A. D. 1855, the said Attorney General of the United States filed, or caused to be filed, in behalf of the United States, a notice with the clerk of said district court of the United States, that the appeal in said cause from the said decision of the said commissioners, in the district court of the United States for the southern district of California, would be prosecuted by the United States. Your petitioner further represents that the land, claimed as

aforesaid, is situate in the southern district of California, and within the jurisdiction of this honorable court. Your petitioner further represents and insists that the said claim is invalid; and the said decision of said commissioners is erroneous, and ought to be reversed, revised, and set aside, for many errors and imperfections of law and evidence apparent in said certified transcript of the proceed-
52 ings and decisions of said commissioners in said cause, filed and appealed from as aforesaid. And your petitioner denies all and singular each and every allegation in the said petition of said claimant presented as aforesaid to said commissioners. And your petitioner further denies that the said claimant has any valid right or title to said land claimed as aforesaid, or any part thereof.

And no sufficient proof having been made of the allegations in said petition to said commissioners, or in support of the said claim, no decision confirming the same should have been made by said commissioners; but the said claim should have been rejected by them. And the said claimant having no valid right or title derived from the Spanish or Mexican governments to the land claimed as aforesaid, the lawful right and title in and to the said land was acquired by, and it now belongs to the United States, by virtue of conquest and the treaty of peace, friendship, limits, and settlement between the United States and the republic of Mexico, made at the city of Guadalupe Hidalgo, February 2d, A. D. 1848.

Wherefore, the said Pacificus Ord, attorney of the United States for the southern district of California, for and in behalf of the United States by reason of the premises, and in pursuance of the act of Congress entitled "An act to ascer ain and settle the private land claims in the State of California," approved March 3d, A. D. 1851, and the laws and statutes in such case made and provided, prays that the said claimant or his attorney may be served with a copy of this petition; and that this honorable court will review the said decision of said commissioners, and reverse the same, and decide on the validity of the same, and decree the alleged title to be invalid, with costs and general relief.

P. ORD,
Attorney of the United States for the Southern District of California.

Filed Nov. 8th, 1855.

C. E. CARR, *Clk.*

53 *Summons.*

UNITED STATES OF AMERICA,
Southern District of California, ss:

The President of the United States to Joaquin Carrillo and José Covarrubias, greeting:

Take notice that a petition, a copy of which is herewith served upon you, has been filed against you and each of you in the district

court of the United States in and for the southern district of California, on the 8th day of November, in the year of our Lord one thousand eight hundred and fifty-five, at the city and county of Los Angeles, by P. Ord, att'y of the United States for the southern district of California, in behalf of the United States, praying said court to review the decision of the U. S. land commissioners of the 30th day of January, A. D. 1854. confirming your claim to the land called San Carlos de Jonata, situate in the county of Santa Barbara, and appealed by the Attorney General of the United States; and that you and each of you are required to appear at said court, in said city, within ten days after the service hereof, if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Bernardino, and within forty days if served on you in any other county of said State, exclusive of the day of service. and answer said petition, or the plaintiff will
54 apply to the court for the relief demanded therein.

In witness whereof, I have hereunto set my hand and affixed the seal of said court this tenth day of November, in the year of our
[SEAL.] Lord one thousand eight hundred and fifty-five, at Los Angeles, aforesaid.

C. E. CARR, *Cl'k.*

Received Nov. 13th, 1855.

EDWARD HUNTER, *U. S Marshal.*

I served this summons, along with the proper copy of the petition, upon Joaquin Carrillo, by delivering to him, personally, a true copy of the original summons at Santa Barbara, county of Santa Barbara, in the southern district of California, on the 5th day of December, A. D. 1855.

EDWARD HUNTER, *U. S. Marshal,*
By M. L. GOODMAN, *Dep'ty.*

Sworn to and subscribed before me this 7th of December, 1855.
C. E. CARR, *Cl'k,*
By SAM'L R. DUMMER, *Dep'ty.*

55 *Summons.*

UNITED STATES OF AMERICA,
Southern District of California, ss:

The President of the United States to Joaquin Carrillo and José Maria Covarrubias, greeting:

Take notice that a petition, a copy of which is herewith served upon you, has been filed against you and each of you in the district court of the United States in and for the southern district of California, on the 8th day of November, in the year of our Lord one thousand eight hundred and fifty-five, at the city and county of Los Angeles, in said district, by P. Ord, U. S. attorney for the southern district of California, in behalf the United States, praying said court to review

the decision of the U. S. land commissioners, of the 30th day of January, A. D. 1854, confirming your claim to the land called San Carlos de Jonata, situated in the county of Santa Barbara, and appealed by the Attorney General of the United States; and that you and each of you are required to appear at said court, in said city, within ten days after the service hereof if served on you within the county of Los Angeles, and within twenty days if served on you in the county of San Diego or San Bernardino, and within forty days if served on you in any other county in the State, exclusive of the day of service, and answer said petition, or the plaintiff will apply to the court for the relief demanded therein.

56 In witness whereof, I have hereunto set my hand and affixed the seal of said court this tenth day of November, in the year of our Lord one thousand eight hundred and fifty-five, at Los Angeles, aforesaid.

[SEAL.]

C. E. CARR, *Cl'k.*

Received Nov. 13th, 1855.

EDWARD HUNTER, *U. S. Marshal.*

I served this summons, along with the proper copy of the petition, upon José Maria Covarrubias, by delivering to him, personally, a true copy of the original summons at Santa Barbara, county of Santa Barbara, in the southern district of California, on the 1st day of December, A. D. 1855.

EDWARD HUNTER, *U. S. Marshal.*
By M. L. GOODMAN, *Dep'ty.*

Sworn to and subscribed before me this 7th day of December, 1855.

C. E. CARR, *Cl'k,*
By SAM'L R. DUMMER, *Dep'ty.*

57 *Answer.*

In the district court of the United States for the southern district of California.

JOAQUIN CARRILLO *et al.*, appellees, *ads.*
THE UNITED STATES, appellant. } Case No. 156.—San Carlos de Jonata.

And now comes the said appellees, by Myron Norton, their attorney and for answer to the petition for review filed by the district attorney for the United States in this case say:

That they have a good and valid title to the lands claimed in this case, and that the same ought to be confirmed.

Wherefore they pray that the decision of the United States land commissioners may be affirmed, and that their title to the land claimed in this case may be decreed to be good and valid, and for such other or further and general relief in the premises as to this honorable court shall seem just and equitable.

MYRON NORTON, *Att'y for Appellees.*

I have served this answer upon P. Ord, U. S. att'y, by delivering to him a true copy of the same at Los Angeles, January 8th, 1856.

EDWARD HUNTER, *U. S. Marshal*,
By M. L. GOODWIN, *Dep'y.*

Filed Jan'y 7th, 1856.

C. E. CARR, *Cl'k.*

58

59 *Decree.*

In the United States district court for the southern district of California.—December term, A. D. 1856.

THE UNITED STATES, appellants,
vs.
JOAQUIN CARRILLO *et al.*, appellees. } No. 156.—"Jonata."

This cause coming on to be heard on appeal from the final decision of the board of land commissioners to ascertain and settle the private land claims in the State of California under an act of Congress approved March 3d, 1851, upon the transcript of the proceedings, papers, and evidence, had and taken before the said board; and it appearing that the said transcript and a notice of the intention by the appellant to prosecute the said appeal have been duly filed with the clerk of this court, and counsel for the respective parties having been heard, it is ordered, adjudged, and decreed by the court that the decision of the said commissioners be affirmed, and that the title of the said appellees, Joaquin Carrillo and J. M. Covarrubias, to the lands in this case be, and is hereby, decreed to be good and valid.

The lands of which confirmation is hereby made are situated in the county of Santa Barbara, and are known by the name of San Carlos de Jonata, and are the same which were granted to the said Carrillo and Covarrubias on the twenty-fourth day of September, and are bounded as follows: By the river of Santa Ynez, the land of
60 Don Francisco Cota, of Don José Antonio de la Guerra, of the Indians Antonio and Marcelino, and of the mission of Santa Ynez, and are confirmed to the extent marked out by the map which exists in the respective espediente which is on file in this case; and for a more particular description of said land reference is herewith had to the said grant and map, the said lands being supposed to consist of six square leagues.

ISAAC S. K. OGIER,
U. S. Dist. Judge.

Filed Feb'y 24th, 1857.

C. SIMS, *Cl'k.*

1819

61 *Appeal.*

U. S. dist. court, southern dist. Cal'a. December term, A. D. 1856.

FEBRUARY 24*th*, A. D. 1857.

JOAQUIN CARRILLO *et al.* *vs.* THE UNITED STATES. } No. 156.

On motion of P. Ord, U. S. dist. att'y, it is ordered that an appeal be allowed the United States herein.

New appeal.

United States district court, south'n dist. Cal'a. December term, A. D. 1861.

DECEMBER 9*th*, A. D. 1861.

JOAQUIN CARRILLO *et al.*, app'lee, *vs.* THE UNITED STATES, app'l't. } No. 156, D. C. No. 534 L. C. "Jonata."

And now comes J. R. Gitchell, esq., appointed at the request of the court to represent the United States, there being no U. S. dist. att'y present, and moves the court that a new appeal be allowed the U. S. in this case to the Supreme Court of the U. S , from the order and decree heretofore rendered of this court, which motion, being heard and by the court understood, is granted.

62 United States district court, southern district California.

CLERK'S OFFICE, *Monterey.*

I, John O. Wheeler, clerk of the United States district court for the south'n dist. of California, do hereby certify the foregoing sixty-one pages, numbered from 1 to 61, both inclusive, to contain a true, correct, and full transcript of the record of the proceedings and of the decision of the said court, of the documentary evidence, and of the testimony of the witnesses upon which the same is founded, on file in this office, in case No. 156 on the docket of said *the said* court, wherein Joaquin Carrillo *et al.* are the claimants, against the United States, for the place known by the name of "Jonata."

In testimony whereof, I have hereunto set my hand and [SEAL.] affixed the seal of said court, at the city of Monterey, this 30th day of March, A. D. 1862.

JOHN. O. WHEELER,
U. S. Dist. Cl'k, South. Dist. Cal.

Filed Sept. 20th, 1862.